

Department of Veterans Affairs
Office of Inspector General

Memorandum to the File
Case Closure

Alleged Prohibited Personnel Practice
VHA Readjustment Counseling Service, Baltimore, MD
(2012-02355-1Q-0088)

The VA Office of Inspector General (OIG) Administrative Investigations Division investigated an allegation that Dr. [REDACTED], [REDACTED], Veterans Health Administration (VHA) Readjustment Counseling Service (RCS), engaged in a prohibited personnel practice when he gave a preference or advantage to RCS employee and long-standing friend, Mr. [REDACTED], by creating a new [REDACTED] (GS-[REDACTED]-13) position specifically for Mr. [REDACTED] and then appointing him to the position. To assess this allegation, we interviewed Dr. [REDACTED] and Mr. [REDACTED], RCS Administrative Officer; reviewed recruitment, email and personnel records, and applicable Federal laws, regulations, and VA policy. We did not substantiate this allegation.

Standards

Federal law prohibits any employee who has authority to take, direct others to take, recommend, or approve any personnel action, with respect to such authority, from granting any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment. 5 USC § 2302(b)(6). By reference, a violation of Section 2302 is also a violation of The Standards of Ethical Conduct for Employees of the Executive Branch. 5 CFR §§ 2635.901 and .902(dd). The Standards of Ethical Conduct for Employees of the Executive Branch also require employees to act impartially and not give preferential treatment to any individual and requires employees to endeavor to avoid any actions creating an appearance that they are violating the law or ethical standards of conduct. 5 CFR § 2635.101(b)(8) and (14).

Dr. [REDACTED] told us that historically, RCS has been involved in numerous outreach events each year across the country. He said that with the majority of events occurring in the Washington, DC, "Capital Region," the new [REDACTED] position was co-located in the RCS Regional Office in Towson, MD. Dr. [REDACTED] further said he created the new position because he identified a need for someone to take a lead role in developing RCS policy and to coordinate RCS's response to the various outreach events.

Dr. [REDACTED] told us that he had known Mr. [REDACTED] professionally for 28 years; however, he also said that Mr. [REDACTED] was one of about 200 team leaders whom he knew "directly." Dr. [REDACTED] denied that he created the position specifically for Mr. [REDACTED] and said that Mr. [REDACTED] was overseeing the recruitment action.

FOR OFFICIAL USE ONLY
(Public Availability to be Determined Under 5 USC 552)

Mr. [REDACTED] told us that he assigned the recruitment to Mr. [REDACTED], who at the time was the acting [REDACTED] in RCS's in Towson, (Baltimore) MD, and that he had no direct involvement in the recruitment or selection of Mr. [REDACTED]

A review of recruitment records reflected that a vacancy announcement for an RCS [REDACTED] (GS-[REDACTED]-13) position in Towson, MD, was advertised from December 6 – 9, [REDACTED] and was opened for all RCS employees to apply for the position. Records further reflected a total of eight applications were received and that Mr. [REDACTED] was the only candidate found by the servicing Human Resources office to have been minimally qualified for the position. Mr. [REDACTED] was therefore the only candidate listed on the resulting certificate of eligibles. The records reflected that on December 12, [REDACTED], Mr. [REDACTED] selected Mr. [REDACTED] for the position and his appointment to the position became effective on December 18, [REDACTED]

We also reviewed email records and found nothing to suggest that Mr. [REDACTED] was pre-selected for the position or otherwise given a preference or advantage in his employment.

Conclusion

We did not substantiate that Dr. [REDACTED] gave Mr. [REDACTED] an unlawful preference in hiring. Recruitment records reflected that the position was advertised for 4 days and was opened to a reasonable sized applicant pool (all RCS employees nationwide). In addition, email records did not evidence that Mr. [REDACTED] was pre-selected or otherwise given an advantage or preference over any other potential applicant for the position. Based on the foregoing findings, this allegation is closed without a formal report or memorandum.

Prepared By [REDACTED]

9/24/2012
Date

Approved: [REDACTED]

9/24/12
Date